

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO LEE MIXON,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

2:16-cv-02490-RFB-VCF

ORDER

I. DISCUSSION

On February 10, 2017, Plaintiff filed a motion to file an amended complaint but did not attach his proposed amended complaint. (ECF No. 7). The Court now grants the motion.

Plaintiff is granted leave to file an amended complaint. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court’s approved prisoner civil rights form and it must be entitled “First Amended Complaint.”

The Court notes that if Plaintiff chooses to file an amended complaint, Plaintiff shall file

1 the amended complaint within 30 days from the date of entry of this order. If Plaintiff chooses
2 not to file an amended complaint, the Court will screen the original complaint (ECF No. 1-1).

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the motion for leave to file amended
5 complaint (ECF No. 7) is granted.

6 IT IS FURTHER ORDERED that, if Plaintiff chooses to file an amended complaint,
7 Plaintiff shall file the amended complaint within 30 days from the date of entry of this order.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
9 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
10 original complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he must
11 use the approved form and he shall write the words "First Amended" above the words "Civil
12 Rights Complaint" in the caption.

13 IT IS FURTHER ORDERED that, if Plaintiff chooses not to file an amended complaint,
14 the Court will screen the original complaint.

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16 DATED: This ^{14th} _____ day of February, 2017.

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18 _____
19 United States Magistrate Judge
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